



## Lamoine Board of Selectmen

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### Minutes – August 18, 2016

Chair Gary McFarland called the meeting to order at 7:00 PM.

Present were: Selectmen Nathan Mason, Gary McFarland, Robert Christie, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Kenneth Smith, Planning Board Chair John Holt, Kenneth Hoogerhyde, and PERC Representatives Hank Lang, Rod Carr and George Wood. Selectman Kathleen Rybarz had informed the board prior to the meeting that she was unable to attend.

**Agenda** – No changes were proposed to the printed agenda or addendum.

**Minutes – July 14, 2016** – Bob moved to approve the minutes as written. Nathan 2<sup>nd</sup>.  
**Vote in favor was 3-0 (Cooper not yet present)**

**Minutes – July 28, 2016** – Nathan moved to approve the minutes as written. Bob 2<sup>nd</sup>.  
**Vote in favor was 3-0 (Cooper not yet present)**

**Expenditure Warrant 3** – Selectmen signed expenditure warrant 3 in the amount of \$196,451.81. Stu proposed an order to move \$400,000 from the checking account to the general fund of the investment management account. Bob moved to approve, Nathan 2<sup>nd</sup>. **Vote in favor was 3-0 (Cooper arrived just after the vote).**

**Cash & Budget Reports** – Bob asked why there was an expenditure reported for the Sesquicentennial Committee. Stu said he wasn't sure, but suspected it was a formatting error in the spreadsheet and would check on it (Note: that's what the problem was, and it has been corrected).

**Appointment Policy** – In addition to the policy change approved at the previous meeting, Stu said he made two non-substantive changes, one with the correct date on the header, and the other substituting the Lamoine School Committee for RSU 24 Representative in the naming of elected bodies. Jo moved to approve the policy as amended. Gary 2<sup>nd</sup>. **Vote in favor was 4-0, Selectmen signed the policy.**

**Appointments** – Nathan moved to appoint Patricia Haslam as a full voting member of the Recreation Committee. Bob 2<sup>nd</sup>. **Vote in favor was 4-0.**

Jo moved to appoint Charles "Butch" Swanberg as an alternate member of the Recreation Committee. Bob 2<sup>nd</sup>. **Vote in favor was 4-0.**

Gary moved to appoint Carol Duffy, Gordon & Cynthia Donaldson and Jo Cooper to the Sesquicentennial Committee. Nathan 2<sup>nd</sup>. **Vote in favor was 3-0 (Cooper abstained).** Stu said his first suggestion to the committee would be to recruit more members, especially the younger demographic to the committee.

Jo moved to appoint Georgianna Pulver as an alternate to the Parks Commission.  
Nathan 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Marlboro Mist II Subdivision** – Gary said the board had received a communication in regard to a possible subdivision law violation. Planning Board Chair John Holt read the following statement:

“I submitted to you a memorandum dated August 2 in which I outlined the details of what the Planning Board considers violations of the Subdivision Section of the Building and Land Use Ordinance by Sarjoy, Inc., Steven Joy, President, with respect to the Marlboro Mist II subdivision, namely, the sale of two unapproved lots and the failure to provide 5.5 acres of open space for the subdivision residents.

Since providing you with this memorandum, I realize that its submission to this board is likely premature. Sarjoy, Inc. has not yet been formally issued a Notice of Violation by the Code Enforcement Officer of Planning Board and, thus, Sarjoy, Inc. has not had the opportunity to appeal such a Notice of Violation before the Board of Appeals. It is important that Sarjoy, Inc. be provided with due process.

If Sarjoy, Inc., does not appeal the Notice of Violation or if Sarjoy, Inc. does appeal the notice before the Appeals Board and the Appeals Board denies the appeal, then the matter of appropriate enforcement will come before this board at a later date.”

Jo said she agreed with providing due process and remarked that if a notice of violation is issued, the Board could proceed appropriately. Mr. Holt said it was not appropriate for the Board of Selectmen to take any action at this point.

**Paper Talks Ad** – Gary said he would recuse himself from discussion regarding a request for the town to purchase an ad in the next issue of Paper Talks magazine, as the sponsored article involves his family.

Jo said she was supportive of the idea and moved to purchase the ad. Bob 2<sup>nd</sup>. **Vote in favor was 3-0 (McFarland abstained).**

**Trail Mapping** – Stu reported he accompanied a representative of Maine Trail Mapping on a walk of the Simons Trail, Coleman Mixed Woods, and Bloomfield Park, and will be posting links to the trails on the town’s website shortly.

**Flood Maps** – Stu reported the State of Maine has accepted Lamoine’s Floodplain Ordinance changes. He said they did ask about the no-fee decision and said he explained that any flood application would also involve a Shoreland fee which is fairly substantial. He also noted that the paper maps on file are fairly inadequate, but the on-line maps are very good, and he will put a link to those maps on the town’s website.

**Fire Truck Update** – Stu reported that Engine 401 is still under repair in Island Falls. He said the company has estimated a \$6,200 cost beyond the pump repairs, and that will likely be the figure to put on the upcoming special town meeting warrant.

**Special Town Meeting Date** – Jo moved to sign an order setting a special town meeting for Thursday, October 13, 2016 at 6:30 PM at the school for a special town meeting to deal with Solid Waste and the fire truck repairs. Nathan 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Solid Waste** – Stu said the decision needed tonight is to how to word the warrant article for the special town meeting. He said there are two articles that Ken Smith provided; one for PERC and one for landfilling the trash if PERC should fail.

Jo noted that Selectman Kathleen Rybarz had e-mailed the board prior to the meeting suggesting an article that gives voters the option of PERC vs. the MRC/Fiberight option. She said the town meeting declined MRC/Fiberight at a previous town meeting.

Stu said the options would include having voters give the decision authority to the Board of Selectmen, picking an option similar to the Hancock question, or an up and down vote on PERC. Bob said the MRC/Fiberight option was rejected soundly.

Ken Smith said he would suggest that both the PERC and the landfill articles be placed before the town, as the landfill option would be used only if PERC were to permanently close. He provided a brief explanation of the options.

Bob asked what the future appears to be for PERC. Hank Lang, the plant manager, said they are very solid and won't be going anywhere. He said there is much more commercial trash available than expected. He said there are programs that the Department of Environmental Protection is proposing that would likely push more solid waste toward PERC, though he would not reveal what that source would be. Nathan asked if he could reveal the extra commercial waste sources. Mr. Lang said he could not at this time, but said there is an amazing amount of waste availability. Nathan asked if it was from out of state. Mr. Lang said no, it's from in-state.

George Wood with PERC said there are about 400 licensed commercial haulers in Maine, and some carry special wastes. Nathan asked if PERC felt the tonnage was from there. Mr. Lang said there is tonnage and heating value. Jo asked about the financial sustainability of PERC. Mr. Lang said they have enough waste available to operate. Rod Carr of PERC said part of the reason for withholding information is that private haulers have proprietary information that PERC can't reveal.

Mr. Smith said there are two warrant articles or two paragraphs each. One is for PERC and one is to allow contracting for landfilling in the event PERC fails. There was a brief discussion about wording a PERC vs. MRC/Fiberight article.

Jo noted that if the town chooses PERC, it loses the ability to work with other towns through the municipal review committee. Mr. Carr said the contract would allow for towns using PERC to work together.

Nathan noted that the MRC came into existence when the town had a contract with PERC and asked for a brief history of how that came about. Mr. Lang said when PERC first began running, the quoted tipping fee was much too low, and the towns recognized

that and created the MRC as a maintenance oversight committee. There was a brief discussion on the ownership of PERC and electricity rates.

Jo asked again what the Selectmen ought to decide. Stu said the strategy for the warrant articles for the October 13, 2016 town meeting, which would likely be signed at the next Selectmen's meeting on September 8, 2016. Jo noted the town rejected the MRC option in May. A lengthy discussion followed on the article wording. Stu said he would suggest placing only the PERC article on the warrant, as the landfill option on the same warrant would likely be confusing. Mr. Smith said by not considering the landfill option, more time could be given to negotiating a landfill option for a subsequent town meeting.

Stu suggested a motion to direct the Administrative Assistant to prepare the town meeting warrant with the PERC option only. Bob so moved, Nathan 2<sup>nd</sup>. **Vote in favor was 4-0.**

A brief discussion followed on the appeal PERC has filed on the permits issued by the Department of Environmental Protection to MRC/Fiberight.

**Shore Access** – Stu reported that Selectman Rybarz advised there was nothing new to discuss on acquiring shore access. The Selectmen noted that they've received a sale listing for a piece of land on Shore Road.

**Road Name** – Bob moved to assign the name "Detail Drive" to a new road serving a three unit business being constructed on Jordan River Road. Nathan 2<sup>nd</sup>. **Vote in favor was 4-0, Selectmen signed the road naming order.**

**General Assistance Ordinance Amendment Public Hearing** – Jo moved to set September 8, 2016 as the hearing date on the annual update of the General Assistance Ordinance. Gary 2<sup>nd</sup>. **Vote in favor was 4-0, Gary signed the order.**

**Recycling** – Stu reported that Coastal Recycling has rejected the glass delivered earlier in the day and will no longer take glass from Lamoine due to contamination. He said he would let Chris Meyer know in the morning, noting that glass was not really being recycled, but landfilled.

**Next Meeting Dates** – Gary listed the upcoming meetings as September 8 & 22, 2016 and October 13 & 27, 2016. Jo said she might be a bit late for the September 22<sup>nd</sup> meeting.

**Executive Session** - Gary moved to enter executive session pursuant to 36 MRSA §841 to discuss a hardship abatement request. Nathan 2<sup>nd</sup>. **Vote in favor was 4-0 at 8:15 PM. Out at 8:22 PM.**

Gary moved to find that with the information provided by the applicant in the above referenced hardship abatement request that a hardship was not found and the

abatement is denied. Jo 2<sup>nd</sup>. **Vote in favor was 4-0.** The administrative assistant will draft a letter for the chair to sign.

**Goals Workshop** – Selectmen entered a workshop session to discuss possible goals for the upcoming months. Included the in the discussion were:

- Simplification of various town processes
- Moving forward with a possible community center concept
- Age Friendly Community (for all age groups)
- Keeping Lamoine a desirable place to live
- Possible programmable display sign for the town hall
- Code Enforcement Plan – work with CEO/Planning & Appeals Board
- Follow up assessment where the town stands on goals
- The municipality's role in the substance abuse problem
- Attracting and keeping young people in the community
- Recycling & Solid Waste

There being no further business, the meeting adjourned at 9:00 PM.

Respectfully submitted,

Stu Marckoon, Administrative Assistant to the Selectmen